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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: DR. MICHAEL N. BERKE
FOR: SELF-ADMINISTERED BACK MASSAGE
SERIAL NO.: 09/609,166
FILED: JULY 3, 2000
EXAMINER: JUSTINE YU

REQUEST FOR AN EXTENSION OF TIME TO FILE APPEAL BRIEF

Hon. Commissioner of Patents
and Trademarks
Washington, DC 20231

Sir:

Applicant has filed in the above captioned matter a NOTICE OF APPEAL requiring the filing of an Appeal Brief on or before January 28, 2002.

There is currently pending for disposition a PETITION TO THE COMMISSIONER PURSUANT TO 37 CFR 1.181 seeking clarification of which one of two claims will be the claim on appeal.

It is respectfully requested that applicant's time to file an APPEAL BRIEF be extended for 15 days after a decision is rendered on said PETITION TO THE COMMISSIONER PURSUANT TO 37 CFR 1.181 or January 28, 2002, whichever date is later.

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The extension requested is necessary in order that applicant may direct the Appeal

Brief to the claim which is deemed to be the claim on appeal.

Respectfully,

MYRON AMER, P.C.

Attorney for Applicant

By: *Myron Amer*
Myron Amer
Reg.No. 18,650

114 Old Country Road
Suite 310
Mineola, NY 11501
(516) 742-5290

Dated: December 14, 2001